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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,085	09/06/2005	Tadayuki Kameyama	053038	7643
38834 7590 03/30/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
CHEN, WEN YING PATTY				
ART UNIT		PAPER NUMBER		
2871				
MAIL DATE		DELIVERY MODE		
03/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/548,085

**Applicant(s)**

KAMEYAMA ET AL.

**Examiner**

WEN-YING PATTY CHEN

**Art Unit**

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 3/17/09  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed on Dec. 8, 2008, with respect to the rejection(s) of claim(s) 1 under Yano et al. (US 2003/0210370) have been fully considered and are persuasive. The translated certified priority document filed on Dec. 8, 2008 has been received. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sugino et al. (US 2003/0189754).

Claims 1-13 remain pending in the current application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugino et al. (US 2003/0189754) in view of Kawabata (JP2002-328233; submitted IDS).**

With respect to claim 1: Sugino discloses in Figure 1 a high-brightness polarizing plate, comprising: a polarizing plate that comprises a polarizer (element A) and a protective film element B) prepared on both sides of the polarizer; a brightness enhancement film (Paragraph 0033; wherein a brightness enhancement film can be laminated onto the polarizing plate); and an adhesive layer through which the polarizing plate and the brightness enhancement film are laminated with the protective film interposed between them (Paragraph 0050; wherein adhesive layers are used for laminating optical element onto the polarizing plate, which includes the protective films formed on both sides of the polarizer), wherein the protective film has an in-plane retardation  $R_e$  of not more than 7nm (Paragraph 0013, which is within the range of 0 to 10nm).

Sugino is silent regarding the retardation of the protective film in the thickness-direction.

However, Kawabata teaches in Paragraphs 0022-0023 and 0108 the use of protective films of a polarizer wherein the protective films have an in-plane retardation of 2nm or less

(which is in the specified range of 0 to 10nm) and a thickness-direction retardation of 3nm or less (which is in the specified range of -30 to 10nm).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a high-brightness polarizing plate as taught by Sugino wherein the protective films of the polarizer are formed like such as taught by Kawabata, since Kawabata teaches that by using such optical films as protective films of a polarizer helps to improve the moisture and heat durability of the polarizing plate and to also achieve excellent viewing angle characteristics (Paragraph 0108 and Abstract).

As to claim 2: Kawabata further discloses in Paragraph 0031 that the protective film contains (A) a thermoplastic resin having a substituted and/or unsubstituted imide group in side chain and (B) a thermoplastic resin having a substituted and/or unsubstituted phenyl and nitrile groups in side chain.

As to claim 3: Kawabata further discloses in Paragraph 0100 that the protective film can be a biaxially stretched film.

As to claim 4: Sugino further discloses in Paragraph 0024 that the polarizer is an iodine-containing polyvinyl alcohol-based film.

As to claim 5: Sugino further discloses in Paragraphs 0033-0035 that the brightness enhancement film can be an anisotropic reflection polarizer.

As to claims 6 and 7: Sugino further discloses in Paragraphs 0044-0047 that the anisotropic reflection polarizer can be an anisotropic multilayered thin film comprising of a cholesteric liquid crystal layer and a quarter wavelength plate capable of transmitting linearly

polarized light in one direction of vibration and reflecting linearly polarized light in another direction of vibration.

As to claim 10: Sugino further discloses in Paragraph 0002 that at least one optical film can be laminated onto the high-brightness polarizing plate.

As to claims 11-13: Sugino further discloses in Paragraph 0050 that an image viewing liquid crystal display can comprise the high-brightness polarizing plate by attaching the high-brightness polarizing plate to at least one side of the liquid crystal cell.

**Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugino et al. (US 2003/0189754) and Kawabata (JP2002-328233; submitted IDS) in view of Admitted Prior Art (Admission).**

Sugino and Kawabata disclose all of the limitations set forth in the previous claims, but do not specifically disclose that the anisotropic reflection polarizer is a reflective grid polarizer or that the brightness enhancement film is an anisotropic scattering polarizer.

However, Admission discloses in Page 25 line 28 through Page 26 line 5 that it is known in the art the use of a reflective grid polarizer as anisotropic reflection polarizer and in Page 26 lines 6-9 that anisotropic scattering polarizers can be used as brightness enhancement film.

Therefore, it would have been obvious to one of ordinary skill in the art to construct a polarizing plate as taught by Sugino and Kawabata and employ a reflective grid polarizer or an anisotropic scattering polarizer as admitted since Admission discloses that such films are known in the art for use as brightness enhancement films.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN-YING PATTY CHEN whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. PATTY CHEN  
Examiner  
Art Unit 2871

/W. PATTY CHEN/  
Examiner, Art Unit 2871